



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 16, 2023

VIA ECF

Honorable Denise L. Cote
United States District Judge
United States District Court
500 Pearl Street, Room 1910
New York, New York 10007

Re: *Bloomberg L.P. v. United States Postal Service*,
22 Civ. 6112 (DLC)

Dear Judge Cote:

This Office represents defendant United States Postal Service (“USPS” or the “Government”) in the above-referenced matter commenced by plaintiffs Bloomberg L.P. and Dow Jones & Company (jointly, “Plaintiffs”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). This case concerns two FOIA requests submitted by Plaintiffs to USPS seeking records regarding change-of-address (“COA”) data from December 2020, and from January 2021 to June 2021, respectively. The parties have cross-moved for summary judgment on whether the COA data sought by Plaintiffs is exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because it is “information of a commercial nature” within the meaning of the Postal Reorganization Act of 1970, 39 U.S.C. § 410(c)(2). As set forth in the Government’s briefs and supporting declarations, the COA data is “information of a commercial nature” because it will be sold commercially as a part of an anticipated USPS data-licensing product called “Population Mobility Trends.” *See, e.g.*, Decl. of Jeffrey Tackes, dated Dec. 9, 2022 [ECF No. 18].

We write respectfully to inform the Court that on May 12, 2023, USPS launched the Population Mobility Trends product as a “tabular dataset built upon aggregated USPS National Change of Address data and 2020 Census demographics,” and is accepting paid subscription orders for the product. The data offerings include historical COA data for the previous 48-month period, to be refreshed monthly.¹ *See* USPS® Population Mobility Trends, <https://postalpro.usps.com/pmt>. Because USPS is selling the COA data sought by Plaintiffs as a commercial product, the data is squarely “information of a commercial nature” and exempt from disclosure under FOIA Exemption 3. Accordingly, and for the reasons set forth in USPS’s motion papers, this Court should grant USPS’s motion for summary judgment in this case.

We thank the Court for its consideration of this letter.

¹ For example, if a 48-month file is released to a subscriber in June 2023, the file will contain historical COA data from the prior 48 months, from June 2019, to May 2023.

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Respectfully submitted,

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cc: All Counsel of Record (via ECF)